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Attorney for Defendant  
JOSE ESQUIVEL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	}	<b>Case No. CR 12-0664 YGR</b>
Plaintiff,		<b>STIPULATION TO CONTINUE STATUS HEARING AND [<del>PROPOSED</del>] ORDER</b>
v.		
JOSE ESQUIVEL,		
Defendant.		

With the agreement of the parties, and with the consent of the defendant, the Court enters this order vacating the current date for a status hearing (January 31, 2013), setting a new status hearing date for February 14, 2013 at 2:00 p.m. and excluding time under the Speedy Trial Act from January 31 to February 14, 2013. The parties agree and stipulate, and the Court finds and holds, as follows:

1. The defendant, Jose Esquivel, was indicted on September 11, 2012 on one count of violating 21 U.S.C. §§ 846 (conspiracy to distribute a controlled substance) and 841(a)(1) (distribution of heroin), three counts of violating 21 U.S.C. §§ 841(a)(1)(distribution of heroin on

1 particular dates) and one count of violating 21 U.S.C. § 924(c)(possession of a firearm in  
2 furtherance of drug trafficking).

3 2. On October 30, 2012, the government filed a First Superseding Indictment,  
4 charging defendant Esquivel and codefendant Donald Mills with additional counts of violating  
5 21 U.S.C. §§ 841(a)(1), adding specific controlled substance weight allegations, adding  
6 forfeiture allegations, alleging a violation of 18 U.S.C. §§ 922(g)(1) as to codefendant Mills and  
7 alleging a violation of 18 U.S.C. §§ 924(c) as to defendant Esquivel.  
8

9 3. On January 3, 2013, the Court referred this matter to Magistrate Judge Cousins  
10 for a settlement conference and set a hearing regarding case status for January 31, 2013.

11 4. After consultation with Magistrate Judge Cousins through his staff and counsel,  
12 the settlement conference could not be set until February 10, 2013, a date after the January 31  
13 status conference date.

14 5. The Court has calendared a motions and trial setting date for co-defendant Donald  
15 Mills on February 14 at 2:00 p.m. and has indicated its desire to have both defendants, including  
16 defendant Esquivel, appear at that hearing.  
17

18 6. Taking into account the public interest in the prompt disposition of criminal cases,  
19 the above-stated ground is good cause for excluding time under the Speedy Trial Act as it is  
20 necessary for effective preparation of counsel.

21 7. Accordingly, with the consent of the defendant, the Court hereby: (a) continues  
22 the January 31, 2013 status date until February 14, 2013 at 2:00 p.m. and (b) orders that the  
23 period from January 31, 2013 until February 14, 2013 be excluded from Speedy Trial Act  
24 calculations under 18 U.S.C. § 3161.  
25  
26  
27  
28

1 IT IS SO STIPULATED:  
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3

4 Dated: January 21, 2013

\_\_\_\_\_  
/s/  
WILSON LEUNG  
Assistant United States Attorney

6  
7 Dated: January 21, 2013

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/s/  
JENNIFER SCHWARTZ, (SBN 135932)  
Attorney for Defendant  
JOSE ESQUIVEL

10 IT IS SO ORDERED.  
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12  
13 DATED: January 28, 2013

  
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HON. YVONNE GONZALEZ ROGERS  
United States District Court Judge  
Northern District of California